

EXHIBIT 55



ATTORNEYS' EYES ONLY

Transcript of Gardner Gendron, Designated Representative, and Individually¹ (1 to 4)

Conducted on July 11, 2023

<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF DELAWARE</p> <p>3 ----- X</p> <p>4 NIPPON SHINYAKU CO., : LTD., Plaintiff, : 5 v. : C.A. No. 21-1015</p> <p>6 SAREPTA THERAPEUTICS, : (GBW) INC., Defendant : 7 : 8 ----- X</p> <p>9 SAREPTA THERAPEUTICS, : 10 INC. and THE : 11 UNIVERSITY OF WESTERN : 12 AUSTRALIA, : 13 Defendant/ : 14 Counter-Plaintiffs, : 15 v. : 16 NIPPON SHINYAKU CO., : 17 LTD. AND NS PHARMA, : 18 INC., : 19 Plaintiff/ Counter-Defendants. : ----- X</p> <p>20 ***ATTORNEYS' EYES ONLY*** Videotaped Deposition of NIPPON SHINYAKU CO., LTD., 21 AND NS PHARMA, INC., 22 By and Through Designated Representative, 23 GARDNER GENDRON, and In His Individual Capacity 24 New York, New York Tuesday, July 11, 2023 25 9:35 A.M.</p>	<p>3</p> <p>1 A P P E A R A N C E S</p> <p>2 BEHALF OF NIPPON SHINYAKU CO., LTD. And NS</p> <p>3 PHARMA, INC. :</p> <p>4 AMANDA S. WILLIAMSON, ESQUIRE</p> <p>5 MORGAN, LEWIS & BOCKIUS LLP</p> <p>6 110 North Wacker Drive</p> <p>7 Chicago, Illinois 60606</p> <p>8 312.324.1450</p> <p>9</p> <p>10</p> <p>11 ON BEHALF OF SAREPTA THERAPEUTICS, INC. AND THE</p> <p>12 UNIVERSITY OF WESTERN AUSTRALIA:</p> <p>13 RYAN P. O'QUINN, ESQUIRE, PH.D</p> <p>14 FINNEGAN, HENDERSON, FARABOW, GARRETT &</p> <p>15 DUNNER, LLP</p> <p>16 1875 Explorer Street</p> <p>17 Suite 800</p> <p>18 Reston, Virginia 20190-6023</p> <p>19 571.203.2426</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 KEVIN GONZALEZ, LEGAL VIDEO SPECIALIST</p> <p>23</p> <p>24</p> <p>25</p>
<p>2</p> <p>1 Job No.: 494164</p> <p>2 Pages: 1 - 220</p> <p>3 Reported By: Anita M. Trombetta, RMR, CRR</p> <p>4</p> <p>5</p> <p>6 Videotaped Deposition of GARDNER GENDRON, held at</p> <p>7 the offices of:</p> <p>8</p> <p>9 Morgan Lewis & Bockius LLP (NY)</p> <p>10 101 Park Avenue</p> <p>11 New York, NY 10178-0060</p> <p>12 212.309.6000</p> <p>13</p> <p>14</p> <p>15 Pursuant to notice, before Anita M. Trombetta,</p> <p>16 RMR, CRR, Notary Public in and for the State of</p> <p>17 New York.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>4</p> <p>1 -----INDEX-----</p> <p>2 WITNESS</p> <p>3 GARDNER GENDRON</p> <p>4 EXAMINATION BY Page</p> <p>5 MR. O'QUINN 9</p> <p>6 -----EXHIBITS-----</p> <p>7 Exhibit Description Page</p> <p>8 Exhibit 1 Notice of 30(b)(6) 10</p> <p>9 Deposition</p> <p>10 Exhibit 2 Notice of 30(b)(1) 33</p> <p>11 Deposition of</p> <p>12 Gardner Gendron</p> <p>13 Exhibit 3 PDF Printout of 34</p> <p>14 LinkedIn Page</p> <p>15 Exhibit 4 Document Bearing 38</p> <p>16 Beginning Bates</p> <p>17 Number NS00036975</p> <p>18 Exhibit 5A Document in 42</p> <p>19 Japanese Bearing</p> <p>20 Initial Bates</p> <p>21 Number NS00036995</p> <p>22 Exhibit 5 Translation of 42</p> <p>23 Exhibit 5A</p> <p>24 Exhibit 6A Japanese Language 64</p> <p>25 Production</p> <p>Document with</p> <p>Initial Bates</p> <p>Number NS00037036</p> <p>17 Exhibit 6 Translation of 64</p> <p>18 Exhibit 6A</p> <p>19 Spreadsheet 68</p> <p>20 Bearing Bates</p> <p>21 Number NS00074042</p> <p>22 Exhibit 8 Excel Workbook 74</p> <p>23 Bearing Bates</p> <p>24 Number NS00036993</p> <p>25 Exhibit 9 Document Bearing 79</p> <p>Bates Number 36994</p> <p>22 Exhibit 10 Document Bearing 80</p> <p>23 Bates Number 91316</p> <p>24 Exhibit 11 Production 110</p> <p>25 Document Bearing</p> <p>Bates Number</p> <p>NS00091312</p> <p>Exhibit 12 Printout of Native 112</p> <p>Spreadsheet</p>

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Transcript of Gardner Gendron, Designated Representative, and Individually² (5 to 8)

Conducted on July 11, 2023

<p>5</p> <p>1 Exhibit 13A Japanese Language 118 Production Document Bearing Initial Bates Number NS00090751</p> <p>2 Exhibit 13 English 118 Translation of Exhibit 13A</p> <p>3 Exhibit 14 Production 120 Document Bearing Initial Bates Number NS00074025</p> <p>4 Exhibit 15 Production 123 Document Bearing Bates Number NS00096857</p> <p>5 Exhibit 16 Document Bearing 124 Bates Number NS00096858</p> <p>6 Exhibit 17 Document Bearing 132 Bates Number NS97081</p> <p>7 Exhibit 18 Document Bearing 133 Initial Bates Number NS73479</p> <p>8 Exhibit 19 Document Bearing 136 Initial Bates Number NS00074895</p> <p>9 Exhibit 20 Document Bearing 138 Beginning Bates Numbers NS 00075034</p> <p>10 Exhibit 21 Document Bearing 143 Bates Numbers NS00074956</p> <p>11 Exhibit 22 Document Bearing 145 Initial Bates Number NS74987</p> <p>12 Exhibit 22 Document Bearing 147 Initial Bates Number NS00074976</p> <p>13 Exhibit 23 Document Bearing 149 Initial Bates Number NS00074933</p> <p>14 Exhibit 25 Document Bearing 150 Initial Bates Number NS75079</p> <p>15 Exhibit 26 Document Bearing 155 Initial Bates Number NS00075122</p>	<p>7</p> <p>1 Exhibit 42 Document Bearing 215 Beginning Bates Number NS00096050</p> <p>2 Exhibit 43 Document With 216 Beginning Bates Number NS96061</p> <p>3 Exhibit 44 Document Bearing 217 Beginning Bates Number NS96087</p> <p>4 Exhibit 45 Launch Plan with 217 Beginning Bates Number NS96093</p> <p>5 6 7 (Exhibit 24 not marked.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>6</p> <p>1 Exhibit 27 Document Bearing 160 Initial Bates Number NS74369</p> <p>2 Exhibit 28 Production 169 Document Bearing Beginning Bates Number NS00097297</p> <p>3 Exhibit 29 Document Bearing 170 Beginning Bates Number NS00097299</p> <p>4 Exhibit 30 Production 173 Document Bearing Bates Number NS96000</p> <p>5 Exhibit 31 Document Bearing 173 Beginning Bates Number NS96001</p> <p>6 Exhibit 32 Document Bearing 180 Initial Bates Number NS00041924</p> <p>7 Exhibit 33 Document 187 Bearing Beginning Bates Number NS00057814</p> <p>8 Exhibit 34 Production 195 Document Bearing Initial Bates Number NS58001</p> <p>9 Exhibit 35 Document Bearing 196 Beginning Bates Number NS00095398</p> <p>10 Exhibit 36 Document Bearing 196 Beginning Bates Number NS95403</p> <p>11 Exhibit 37 Document Bearing 199 Initial Bates Number NS00043395</p> <p>12 Exhibit 38 Native Spreadsheet 208 Bearing Bates Number NS00074040</p> <p>13 Exhibit 39 Document 213 Bearing Beginning Bates Number NS00096010</p> <p>14 Exhibit 40 Document Bearing 214 Initial Bates Numbers NS00096011</p> <p>15 Exhibit 41 Document Bearing 215 Beginning Bates Number NS00096031</p>	<p>8</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: This begins media</p> <p>3 number one in the video recorded deposition of</p> <p>4 Gardner Gendron, in the matter of Nippon Shinyaku,</p> <p>5 want Co., LTD. vs. Sarepta Therapeutics Inc., in</p> <p>6 the United States District Court for the</p> <p>7 District of Delaware. The case number is</p> <p>8 21-0115 -- excuse me, 21-1015 (GBW.)</p> <p>9 Today's date is July 11, 2023, and the</p> <p>10 time on the video monitor is 9:35 A.M. The</p> <p>11 videographer today is Kevin Gonzalez, representing</p> <p>12 Planet Depos. This video deposition is taking</p> <p>13 place at 101 Park Avenue, New York, New York</p> <p>14 10178.</p> <p>15 Would counsel please voice identify</p> <p>16 yourselves and state whom you represent, beginning</p> <p>17 with the noticing attorney.</p> <p>18 MR. O'QUINN: Ryan O'Quinn from</p> <p>19 Finnegan LLP representing defendant/counterclaim</p> <p>20 plaintiffs Sarepta Therapeutics and the</p> <p>21 University of Western Australia.</p> <p>22 MS. WILLIAMSON: Amanda Williamson from</p> <p>23 Morgan Lewis representing Shinyaku and NS Pharma.</p> <p>24 THE VIDEOGRAPHER: Thank you, counsel.</p> <p>25 The court reporter today is</p>

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Transcript of Gardner Gendron, Designated Representative, and Individually³ (9 to 12)

Conducted on July 11, 2023

<p>9</p> <p>1 Anita Trombetta, representing Planet Depos. The</p> <p>2 witness can now be sworn in.</p> <p>3 THE VIDEOGRAPHER: You may proceed,</p> <p>4 counsel.</p> <p>5 GARDNER GENDRON,</p> <p>6 called as a witness, having been duly</p> <p>7 sworn by a Notary Public, was examined and</p> <p>8 testified as follows:</p> <p>9 EXAMINATION BY</p> <p>10 MR. O'QUINN:</p> <p>11 Q Good morning, Mr. Gendron.</p> <p>12 A Good morning.</p> <p>13 Q Have you ever been deposed before?</p> <p>14 A No.</p> <p>15 Q Congratulations on joining the club.</p> <p>16 I'm going to ask you a few questions</p> <p>17 today. If you have any issues with my question or</p> <p>18 want me to clarify, please let me know. If you</p> <p>19 answer my question, I'll assume that you</p> <p>20 understood it as it was asked. Is that fair?</p> <p>21 A Yes.</p> <p>22 Q And the court reporter needs verbal</p> <p>23 answers for the record: Yes, no. We can't nod</p> <p>24 our head, shake our head, etc., is that fair?</p> <p>25 A Yes.</p>	<p>11</p> <p>1 behalf of Nippon Shinyaku Limited and for</p> <p>2 NS Pharma?</p> <p>3 A Yes.</p> <p>4 Q And do you understand that as part of that</p> <p>5 responsibility, you've been designated to testify</p> <p>6 on particular topics?</p> <p>7 A Yes.</p> <p>8 Q Okay. If you could turn with me to</p> <p>9 topic 48, which is on Page 14 of the document. Do</p> <p>10 you see topic number 48, Mr. Gendron?</p> <p>11 A Yes.</p> <p>12 Q And it's long so I won't read it into the</p> <p>13 record. But are you prepared to testify today on</p> <p>14 behalf of Nippon Shinyaku and NS Pharma on</p> <p>15 topic 48?</p> <p>16 MS. WILLIAMSON: I'll just object to the</p> <p>17 scope of the designation. He's designated to talk</p> <p>18 on this topic as to the United States, but not any</p> <p>19 ex-U.S.</p> <p>20 MR. O'QUINN: Understood.</p> <p>21 A Yes.</p> <p>22 Q What did you do to prepare for topic</p> <p>23 number 48 today, Mr. Gendron?</p> <p>24 A I had several meetings with the attorneys</p> <p>25 and reviewed documents.</p>
<p>10</p> <p>1 Q Your counsel will likely object throughout</p> <p>2 the day, but unless she instructs you specifically</p> <p>3 not to answer, I'd like to get an answer to the</p> <p>4 question I've asked, correct? Is that okay?</p> <p>5 A Yes.</p> <p>6 Q I'll aim to take a break approximately</p> <p>7 once an hour. You're welcome to take breaks at</p> <p>8 different times if you'd like; just let me know,</p> <p>9 I'll grant you that. I'd just ask that any</p> <p>10 question that's pending be answered before we go</p> <p>11 on break. Is that fair?</p> <p>12 A Yes.</p> <p>13 Q Is there any reason that you can't answer</p> <p>14 the questions I'm about to ask you fully and</p> <p>15 truthfully?</p> <p>16 A No.</p> <p>17 (Gendron Exhibit 1, Notice of 30(b)(6)</p> <p>18 Deposition, marked for identification.)</p> <p>19 Q I'm going to mark as Gendron Exhibit 1,</p> <p>20 the Notice of 30(b)(6) Deposition on Plaintiffs.</p> <p>21 Have you seen this document before,</p> <p>22 Mr. Gendron?</p> <p>23 A I don't recall.</p> <p>24 Q Do you understand that you're here today</p> <p>25 to -- in part, to give corporate testimony on</p>	<p>12</p> <p>1 Q Which attorneys did you meet with?</p> <p>2 A Amanda and her Morgan Lewis co-attorneys.</p> <p>3 Q How many meetings did you have?</p> <p>4 A I don't recall the exact number. More</p> <p>5 than four.</p> <p>6 Q Were all of those in person or were some</p> <p>7 of them online?</p> <p>8 A So that's -- can you rephrase the</p> <p>9 question?</p> <p>10 Q Were the meetings that you had with the</p> <p>11 attorneys face-to-face, in person, or online, like</p> <p>12 on Zoom, something like that?</p> <p>13 A Not all meetings were face-to-face.</p> <p>14 Q You said you reviewed documents. Did you</p> <p>15 review any documents to prepare other than the</p> <p>16 documents that counsel provided you?</p> <p>17 A No.</p> <p>18 Q Did you speak to anyone else other than</p> <p>19 your attorneys in order to prepare?</p> <p>20 A Yes.</p> <p>21 Q Who did you speak with?</p> <p>22 A Taro Tsutsumi, the head of finance.</p> <p>23 Q Anyone else?</p> <p>24 A No.</p> <p>25 Q Did any of the documents you reviewed to</p>

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Transcript of Gardner Gendron, Designated Representative, and Individually¹⁸ (69 to 72)

Conducted on July 11, 2023

<p>69</p> <p>1 Exhibit 7, has the Bates number NS00074042. And</p> <p>2 let me know when you have that one up on the</p> <p>3 screen.</p> <p>4 A 042?</p> <p>5 Q Yes.</p> <p>6 A Okay.</p> <p>7 Q Have you seen this spreadsheet before?</p> <p>8 A Yes.</p> <p>9 Q Can you describe for me at a high level</p> <p>10 what this spreadsheet is?</p> <p>11 A [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 Q [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 Do you see that?</p> <p>16 A I do.</p> <p>17 Q [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p>71</p> <p>[REDACTED]</p>
<p>70</p> <p>[REDACTED]</p>	<p>72</p> <p>[REDACTED]</p> <p>5 MR. O'QUINN: Can we go off the record.</p> <p>6 I'll probably have to log back into this.</p> <p>7 THE VIDEOGRAPHER: Going off the record.</p> <p>8 The time is 11:51 a.m.</p> <p>9 (Recess.)</p> <p>10 THE VIDEOGRAPHER: The time is 11:52 a.m.</p> <p>11 We are back on the record.</p> <p>[REDACTED]</p>

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Transcript of Gardner Gendron, Designated Representative, and Individually²⁸ (109 to 112)

Conducted on July 11, 2023

109

111

14 MS. WILLIAMSON: Objection. Form.

15 A I'm unclear on what you're asking.

110

112

12 MS. WILLIAMSON: Could we just take an
13 opportunity to mark the transcript as attorneys'
14 eyes only.

15 (Gendron Exhibit 11, Production Document
16 Bearing Bates Number NS00091312, marked for
17 identification.)

18 **Q I'm going to mark as Exhibit 11 a**
19 **production document bearing Bates number**
20 **NS00091312.**

21 **Mr. Gendron, have you seen this document**
22 **before?**

23 A Yes.

19 A Yes.

20 (Gendron Exhibit 12, Printout of Native
21 Spreadsheet, marked for identification.)

22 **Q I'm going to hand you Exhibit 12, which is**
23 **a printout of a native spreadsheet, that when**
24 **produced bore the production number NS00091313.**

25 Have you seen this document before?


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Transcript of Gardner Gendron, Designated Representative, and Individually⁵⁵ (217 to 220)

Conducted on July 11, 2023

<p>217</p> <p>[REDACTED]</p> <p>7 (Gendron Exhibit 44, Document Bearing</p> <p>8 Beginning Bates Number NS96087, marked for</p> <p>9 identification.)</p> <p>[REDACTED]</p> <p>17 Have you seen this document before?</p> <p>18 A (Document review.)</p> <p>19 I have seen this before.</p> <p>20 (Gendron Exhibit 45, [REDACTED])</p> <p>21 Beginning Bates Number NS96093, marked for</p> <p>22 identification.)</p> <p>23 Q I'm going to mark as Exhibit 45 a document</p> <p>24 beginning Bates number NS96093. [REDACTED]</p> <p>25 [REDACTED]</p>	<p>219</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, GARDNER GENDRON, do hereby acknowledge</p> <p>3 that I have read and examined the foregoing</p> <p>4 testimony and the same is a true, correct, and</p> <p>5 complete transcription of the testimony given by</p> <p>6 me and any corrections appear on the attached</p> <p>7 errata sheet signed by me.</p> <p>8</p> <p>9 _____</p> <p>10 (SIGNATURE) (DATE)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>218</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 A Yes.</p> <p>4 MR. O'QUINN: Okay. I don't have any more</p> <p>5 questions for you, Mr. Gendron. I think we're</p> <p>6 going to need some more testimony at some point on</p> <p>7 [REDACTED] We didn't find</p> <p>8 that document in the production other than the</p> <p>9 document I just showed him, and he said that he</p> <p>10 needed more material to speak to it.</p> <p>11 MS. WILLIAMSON: Well, we can take that</p> <p>12 under advisement. [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 (Reporter clarification.)</p> <p>15 MS. WILLIAMSON: -- we can consider</p> <p>16 producing [REDACTED]</p> <p>17 MR. O'QUINN: I think your understanding</p> <p>18 is incorrect, based on the meet and confer we were</p> <p>19 both on on Friday. We can talk offline.</p> <p>20 MS. WILLIAMSON: I have no questions.</p> <p>21 THE VIDEOGRAPHER: This marks the end of</p> <p>22 the deposition of Gardner Gendron. We are going</p> <p>23 off the record at 6:04 p.m.</p> <p>24 (Time Noted: 6:04 P.M.)</p> <p>25</p>	<p>220</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC</p> <p>2 I, ANITA M. TROMBETTA, RMR, CRR the officer</p> <p>3 before whom the foregoing deposition was taken, do</p> <p>4 hereby certify that the foregoing transcript is a</p> <p>5 true and correct record of the testimony given;</p> <p>6 that said testimony was taken by me</p> <p>7 stenographically and thereafter reduced to</p> <p>8 typewriting under my direction; that reading and</p> <p>9 signing was requested ; and that I am neither</p> <p>10 counsel for, related to, nor employed by any of</p> <p>11 the parties to this case and have no interest,</p> <p>12 financial or otherwise, in its outcome.</p> <p>13 IN WITNESS WHEREOF, I have hereunto set my</p> <p>14 hand and affixed my notarial seal this 13th day of</p> <p>15 July, 2023.</p> <p>16 My commission expires: 10.07.2025</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 </p> <p>22 ANITA M. TROMBETTA, RMR, CRR</p> <p>23</p> <p>24</p> <p>25</p>

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